

MAY 20 2008

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/665,514	
	Filing Date	September 22, 2003	
	First Named Inventor	Marius Hauri	
	Art Unit	3767	
	Examiner Name	Witczak, Catherine	
Total Number of Pages in This Submission	3	Attorney Docket Number	0100/0165

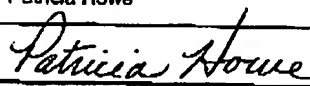
ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Louis Woo Law Office of Louis Woo
Signature	
Date	May 20, 2008

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MAY 20 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marius HAURI et al.

Serial No. 10/665,514

Art Unit: 3767

Filed: September 22, 2003

Examiner: Witozak, Catherine

For: SAFETY NEEDLE ASSEMBLY
AND METHOD FOR MAKING
THE SAME

Atty Docket: 0100/0165

RESPONSE**and****REQUEST TO REINSTATE THE APPEAL BRIEF**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is filed to: (1) toll the three month period for responding to the latest Office Action dated April 15, 2008, (2) make of record the telephone conversation between the examiner and the undersigned in light of the latest Office Action, and (3) request that the appeal process be continued and that the Appeal Brief filed on January 16, 2008 be reinstated. The facts for this Response and Request To Reinstate The Appeal are as follows:

1. An Appeal Brief was filed on January 16, 2008 to appeal the final rejections set forth in the Office Action dated August 24, 2007.

2. Applicants received an alleged new final rejection Office Action dated April 15, 2008 reopening the prosecution of the instant case. In reviewing the April 15 Office Action, it was found that this latest Office Action is identical to the Office Action dated August 24,

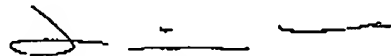
2007 against which the Appeal was filed. As an aside, the April 15, 2008 Office Action would have been improper for reopening the prosecution of this case insofar as it is a final rejection office action.

3. The undersigned spoke with the examiner on April 16, 2008. According to the examiner, a new Office Action will be sent out, as the examiner believes that the wrong Office Action was sent out. The examiner also informed the undersigned not to worry about the three-month response period for the latest Office Action, since the latest Office action was wrongly sent, and that there must be something wrong with the PAIR system. The examiner went on to state that the new Office Action will not be sent out until the week of April 28, 2008, since her art unit will be in San Francisco the week of April 21.

4. Not receiving any new communication from the examiner and finding that there was no new entry in the PAIR system for the instant case, the undersigned left a message with the examiner on May 8, 2008 requesting her to let the undersigned know the status of this case. As of the date of this Response, the undersigned have not heard from the examiner.

In view of the foregoing, the undersigned hereby requests the reinstatement of the Appeal Brief filed on January 16, 2008. As the latest final rejection Office Action of April 15, 2008 is identical to the final rejection Office Action dated August 24, 2007, It is believed that there is no need to resubmit the previously filed Appeal Brief, for no new issues were raised. However, if such re-submission is required, the undersigned should be so notified.

Respectfully submitted,



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Date: May 20, 2008